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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,715	11/24/2003	Yoshihiro Ohmori	245655US2TTCRD	9953

22850 7590 07/12/2007
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EXAMINER	
SHIBRU, HELEN	

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
07/12/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/718,715

Applicant(s)

OHMORI, YOSHIHIRO

Examiner

HELEN SHIBRU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-20 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/03, 01/06 & 05/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11, 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hashimoto (US PG PUB 2003/0065657).

Regarding claim 1, Hashimoto discloses an apparatus for playing a video summary, comprising: a signal receiving unit configured to receive a signal including video data (see unit 100 in fig. 1 and paragraphs 0028-0029); a video data memory configured to sequentially store the video data (see paragraph 0029, data are stored on the disk); a timing decision unit configured to generate a video summary generation request by referring to the signal (see paragraph 0027, metadata is added in order to determine the importance of the events and digest is generated according to the importance); a summary method indication unit configured to indicate a generation method of the video summary (see fig. 7); a video summary generation unit configured to generate the video summary from the video data by using the generation method in response to the video summary generation request (see paragraphs 0038-0041 and figs. 6-7); and a video summary play unit configured to play the video summary (see paragraphs 0029, 0039, and 0041).

Regarding claim 2, Hashimoto discloses the signal includes meta data, and said timing decision unit decides a timing when a video summary is generated by referring to the meta data (see paragraphs 0026 and 0027).

Regarding claim 3, Hashimoto discloses a meta data memory configured to sequentially store the meta data (see paragraph 0029).

Regarding claim 4, Hashimoto discloses the video data includes each frame in time series (see fig. 7 and paragraphs 0026 and 0032), and the meta data includes a time and an event name, the time corresponding to one frame of the video data, and the event name representing contents of the one frame of the video data (see fig. 7).

Regarding claim 5, Hashimoto discloses timing decision unit includes a decision table configured to previously store a plurality of event names, and said timing decision unit decides whether the event name of the meta data coincides with one of the plurality of event names in the decision table (SEE PARAGRAPHS 0030-0032).

Regarding claim 6, Hashimoto discloses if the event name of the meta data coincides with one of the plurality of event names in the decision table, said timing decision unit generates the video summary generation request (see paragraphs 0035-0037).

Regarding claim 7, Hashimoto discloses while the said video summary play unit plays a video summary (see paragraphs 0029, 0039, and 0041), said video summary generation unit selects a next event for a play position of frames of which the video summary was generated, from said meta data memory in response to the video summary generation request (see claim 1 in page 4).

Regarding claim 8, Hashimoto discloses the said video summary generation unit

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includes an event level definition table configured to previously store a level of each event, and said video summary generation unit determines a level of the next event by referring to the event level definition table (see figs. 6 and 7).

Regarding claim 9, Hashimoto discloses summary method indication unit indicates a threshold level of an important event to generate a video summary (see paragraphs 0039 and claim 13), and said video summary generation unit compares the level of the next event with the threshold level (see paragraphs 0032-0035).

Regarding claim 10, Hashimoto discloses the level of the next event is above or equal to the threshold level, p1 said video summary generation unit extracts a time corresponding to the next event from said meta data memory, and generates period data of a video summary in which the time is a center timing (see paragraphs 0034-0039 and 0042).

Regarding claim 11, Hashimoto discloses video summary play unit extracts frames corresponding to the period data from said video data memory, and plays the frames as the video summary (see fig. 7).

Regarding claim 13, Hashimoto discloses summary method indication unit indicates a play time of the video summary to catch up to the latest video data stored in said video data memory (see fig. 7 and paragraphs 0039-0041).

Regarding claim 14, Hashimoto discloses summary method indication unit indicates information to specify contents of a program in the video data (see fig. 7).

Regarding claim 15, Hashimoto discloses timing decision unit calculates a change quantity of characteristic of the video data in time series, and determines a timing to generate a

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video summary from the video data when the change quantity is above a predetermined value (see paragraphs 0032 and 0042).

Regarding claim 16, Hashimoto discloses timing decision unit determines a timing to generate a video summary from the video data when said summary method indication unit indicates change of the generation method of the video summary (see paragraphs 0032-0033).

Regarding claim 17, Hashimoto discloses timing decision unit generates the video summary generation request while said video summary play unit is playing the video summary, said video summary generation unit generates a new video summary from the video data stored after the previous video data from which the video summary was generated (see paragraphs 0031-0038).

Regarding claim 18, Hashimoto discloses video summary play unit changes playing from the video summary to the new video summary when the playing of one scene of the video summary is completed or when the playing of the video summary passes a predetermined time (see paragraphs 0040-0042).

Claims 19 and 20 are rejected for the same reason as discussed in claim 1 above.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 20 is rejected under 35 U.S.C. 101 because data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical “things” nor statutory processes. See, e.g. Warmerdam, 33 F. 3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not

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make it statutory. In addition a mere arrangements or compilations of facts or data, are merely stored so as to be read or outputted by a computer without creating any functional interrelationship either as part of the stored data or as part of the computing processes performed by the computer then such descriptive material alone does not impart functionality either to the data as so structured, or to the computer, and therefore are not statutory. See MPEP 2106.IV.B.1.

Allowable Subject Matter

5. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 12, the Prior Art fails to teach or suggest an apparatus for playing a video summary of claim 1 including if the level of the next event is below the threshold level or after the period data of the video summary is generated, said video summary generation unit selects the next event from said meta data memory, and repeatedly executes generation processing of the video summary until the selected event coincides with a recording position of the latest frame in said video data memory.

Conclusion

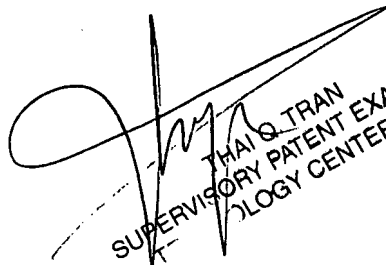
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibu
June 22, 2007



THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
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